

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESSE RAY ABRAMS,

Plaintiff,

v.

JEFFREY SCHAEFER,

Defendants.

Case No. 3:22-cv-5990-DGE-TLF

ORDER DIRECTING DEFENDANT  
BARKER TO FILE RAND NOTICE

This matter comes before the Court on Defendant Allyson Barker's motion to dismiss (Dkt. 27). The Court directs defendant Barker to file a *Rand* notice regarding her motion to dismiss (and the Court requests the Clerk to re-note the motion).

*Rand* Notice

When she filed her motion to dismiss, defendant Barker did not file a notice of dispositive motion informing plaintiff of the consequences if the motion were granted. Such notice is required by the Ninth Circuit. See *Woods v. Carey*, 684 F.3d 934, 935 (9th Cir. 2012). See *also* Dkt. 17 at 4 (directing defendants to file *Rand* notices concurrently with motions to dismiss). The Ninth Circuit has cautioned that failure to provide such a notice is not typically harmless. *Rand v. Rowland*, 154 F.3d 952, 961–62 (9th Cir. 1998).

To ensure that plaintiff has the opportunity to respond to defendant Barker's motion to dismiss, defendant Barker is directed to file a *Rand* notice on or before **June**

1 **15, 2023.** The Clerk is directed to re-note the motion to dismiss (Dkt. 27) for **July 7,**  
2 **2023** and, pursuant to the Court's local rules, plaintiff may file a response to the motion  
3 on or before **July 3, 2023.** See LCR 7(d)(3).  
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6 Dated this 12th day of June, 2023.  
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10 Theresa L. Fricke  
11 United States Magistrate Judge  
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